

Sec.	Twp.	Range
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**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

RECEIVED
205-119
MAR 9 2005

RECEIVED
205-119
MAY 2 2005

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

LIST ALL FOLIO #S: 30-5010-007-0280

Date Received

1. **NAME OF APPLICANT** (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Tract N, eighth addition to Port Charlotte Subdivision, LLC.

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 14821 S.W 150 AVE

City: MIAMI State: FL Zip: 33196 Phone#: 305-234-8470

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): Tract N, eighth addition to Port Charlotte

Mailing Address: 14821 SW 150 AVE

City: MIAMI State: FL Zip: 33196 Phone#: 786-201-4806

4. **CONTACT PERSON'S INFORMATION:**

Name: DOUGLAS-H. MERCADO Company: Inspection Engineers Inc.

Mailing Address: 7815 SW 24 ST - Suite 106

City: MIAMI State: FLORIDA Zip: 33155

Phone#: 305-269-3830 Fax#: 305-269-3820 E-mail: Engiz@BekSouth.net

232-0691

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets as needed. In addition to paper version it is requested that lengthy metes and bounds description be provided on disquette or compact disc in Microsoft Word or compatible software.)

W 1/2 of tract 15, Kendall Green Home Sites, being a
subdivision in section 10, township 55 south, Range 40
east, as shown in Platbook 40, Page 52, less the south
257 Feet thereof, MIAMI DADE County, Florida.

6. **ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

8390 SW 112 ST - MIAMI - FLA 33156

13192 SW 130
MIAMI 33186
SOUTH

7. SIZE OF PROPERTY (in acres): 1.45 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☒ acquired ☐ leased: 09/2004 9. Lease term: _____ years
(month & year)

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)? yes ☐ no ☒
If yes, provide complete legal description of said contiguous property. NO

11. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto?
no ☒ yes ☐ (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: EU-1

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

- ☐ District Boundary(zone) Changes (DBC) [Zone (s) requested]: EU m
(Provide a separate legal description for each zone requested)
- ☐ Unusual Use: _____
- ☐ Use Variance: _____
- ☐ Non-Use Variance: _____
- ☐ Alternative Site Development: Option: _____
- ☒ Special Exception: _____
- ☐ Modification of previous resolution/plan: _____
- ☐ Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the
violation notice was served: _____ and describe the violation:

16. Describe structures on the property: two small Houses - one 1600 s.f. other 1100 s.f.

17. Is there any existing use on the property? ☐ no ☒ yes. If yes, what use and when established?

Use: private Home House 1600 s.f. Year: 2005

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), tract N, eighth addition to Port Charlotte, being first duly sworn, depose and say that (I am)(we are) the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Doug H. Byers
Signature

Signature

Sworn to and subscribed to before me
this ____ day of _____.

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I)(WE), tract N, eighth addition to Port Charlotte, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Doug H. Byers
Authorized Signature
Vice-President



Clint Byers
My Commission DD049094
Expires August 22, 2005

Office Held

(Corp. Seal)

Sworn to and subscribed to before me
this 7 day of March, 2005.

Notary Public: Clint W. Byers
Commission Expires: 8-22-05

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %
By _____ %

(Name of Partnership)
By _____ %
By _____ %

Sworn to and subscribed to before me
this ____ day of _____.

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me
this ____ day of _____.

Notary Public: _____
Commission Expires: _____

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF Florida

Public Hearing No. _____

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared _____, hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Tract N, Eighth Addition to Port Charlotte Corporation, with the following address: 14821 S.W. 150 Ave, Mir - FL - 33196

2. The Corporation owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as: w 1/2 of Tract 15, Kendall Green Home sites, being a subdivision in section 10, Township 55 South, Range 40 East as shown in Plat Book 40, Page 52, less the south 257 feet thereof Miami Dade County, Florida
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Clint W. Byers

Signature

Clint W. Byers

Print Name

Signature

Print Name

Sergio Natali

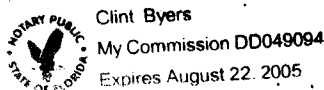
Affiant's signature

SERGIO NATALI

Print Name

Sworn to and subscribed before me on the 7th day of March, 2005.

Affiant is personally known to me or has produced Fl. Driver License as identification.



Clint W. Byers

Notary Public Signature

Clint W. Byers

Print Name

My Commission Expires: 8-22-05

State of Florida

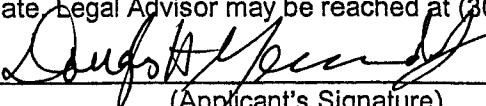
RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. The South Florida Building code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances, and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.
6. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075.




Clint Byers
My Commission DD049094
Expires August 22, 2005


(Applicant's Signature)

Douglas H. MERCADO
(Print Name)

Sworn to and subscribed before me this 7th day of March, 2005. Affiant is personally known to me or has produced Fl. Driver's License as identification.


(Notary Public)

My commission expires 8-22-05

205-119

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Douglas H. MERCADO 14821 S.W. 150 Ave - Mia. Fl - 33196	25%
Alfredo Scatena 20379 West Country Club Dr.ventura, Fl.	25%
Sergio Natali 16711 Collins Ave, Sunny Isles, FL 33164	25%
Mario Rodriguez 14746 SW 154 Ave Mia. Fl - 33196	25%
_____	_____
_____	_____

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

OWNER OR TENANT AFFIDAVIT

(I)(WE), tract N, eighth addition to Port Charlotte, being first duly sworn, depose and say that (I am)(we are) the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Dougherty
Signature

Signature

Sworn to and subscribed to before me
this _____ day of _____.

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I)(WE), tract N, eighth addition to Port Charlotte, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Dougherty
Authorized Signature
Vice-President

(Corp. Seal)



Clint Byers
My Commission DD049094
Expires August 22, 2005

Office Held

Sworn to and subscribed to before me
this 7 day of March, 2005.

Notary Public: Clint W. Byers
Commission Expires: 8-22-05

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.